

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO. 167 OF 2004

Shri Ramdas Gopal Kumbhar ... Appellant

V/s

Sou. Sindhubai Ramdas Kumbhar ... Respondent

Shri V.B. Tapkir for the appellant.

Shri Nitin P. Deshpande for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 29TH NOV., 2004.

P.C.:

1. The appellant has preferred this appeal against the judgment and order passed by the Addl. District Judge, Pune, dated 30th Sept., 2004 dismissing his appeal and confirming the order of dismissal of the suit passed by the Joint Civil Judge, Sr.Divn., Pune, on 6.4.2000.

2. I have heard the learned counsel for both parties. Perused the record.

3. The petition was filed by the appellant plaintiff husband against wife for divorce under Sec.13(1)(ia) &

(ib) of Hindu Marriage Act, 1955, alleging that respondent had subjected the petitioner to cruelty and had also deserted him for continuous period of two years immediately preceding the presentation of the petition.

After hearing both parties, the learned Trial Judge concluded that the petitioner appellant had failed to prove the elements of cruelty as well as desertion and in the result, the petition was dismissed. The appeal was carried to the District Court. The learned District Judge confirmed the findings of the lower Court and dismissed the appeal. Hence, the present appeal is filed.

3. At the outset, it may be noted that perusal of judgment of both the Courts below clearly shows that they have properly appreciated the entire evidence on record and, therefore, it would brook no interference. No substantial question of law is raised or agitated in this appeal and hence the orders passed by both the Courts below are required to be upheld which are adjudicated on the basis of factual evidence led in the said proceeding.

4. In the result, the appeal is devoid of any merits and

hence deserves to be dismissed and stands dismissed in
limine with no order as to costs.

Consequently, the civil application also stands
dismissed with no order as to costs.

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